

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 2, 7-10, 12, 13 and 16 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the remarks as set forth below.

Entry of Amendment

Applicants submit that since the present response includes only arguments that the present response should be entered and are given full consideration.

Assertion of Official Notice

Applicants note that in the first Action the Examiner took official notice of a number of facts. The Examiner now states that Applicants did not challenge these assertions and that accordingly the asserted facts are now Applicants' admitted own prior art. First, Applicants disagree that the assertions were not challenged. The Examiner is referred to page 9, line 17 of the Amendment of March 11, 2005 where Applicants disagree with the Examiner's assertion and in addition, several paragraphs follow which discuss the matter. Accordingly, Applicants submit that the Examiner is incorrect that the official notice of the facts was not challenged.

Accordingly, Applicants submit that the Examiner is incorrect in stating that these facts are now admitted prior art. The Examiner is referred to MPEP 2144.04C for discussion of the response that the Examiner should make to the challenge of the assertion that certain facts are well known.

Furthermore, Applicants submit that the Examiner has misused the concept of Official Notice. As stated in the above noted section of the MPEP, this procedure should only be used where the facts are capable of instant and unquestionable demonstration as being well known. Further, the use of such a procedure should be done in limited circumstances. In the present situation, the Examiner has first taken official notice that it is well known to store validated numbers in order to have them readily available for future use. Secondly, the Examiner takes official notice that it is well known to provide a buffer to store data in the data processing system and thirdly, the Examiner take official notice that it is well known to provide an adder to perform the basic mathematical and logical functions necessary to compare data. Applicants submit that it is clear that the Examiner has overused the process of official notice. In one single rejection the Examiner has utilized official notice to compensate for the reference not showing three different facts. While it is conceivable that a claim may indeed have three different facts which may be well known for which the use of official notice would be appropriate, Applicants submit that this is not the case in the present application. Instead, the Examiner appears to be merely using official notice for every part of the claim which is not in the reference. Applicants submit that it is more appropriate for the Examiner to find secondary references to teach these features. Accordingly, Applicants disagree with the Examiner's use of official notice and the Examiner's consideration of such facts as being admitted prior art.

Rejection Under 35 USC 103

Claims 1, 2, 7-10, 12, 13 and 16 stand rejected under 35 USC as being obvious over Parry et al. (U.S. Patent 6,077,085) in view of the Examiner's official notice of certain facts. This rejection is respectfully traversed.

The Examiner states that the Parry et al. reference shows a system with a sentence pattern data base, a random number generator, a question generating module and a sentence making language learning module. However, the Examiner admits that Parry et al. does not explicitly disclose the sentence making language learning module which comprises a buffer which stores an answer corresponding to the question signal in an adder which receives messages from the user, stores the messages into the result based on a first come, first served principle and reconstructs the messages into the result to compare the result with the answer.

The Examiner states that it is well known in the art to provide a FIFO buffer to store data in the data processing system and to provide an adder to perform the basic mathematical and logical functions necessary. The Examiner feels that it would have been obvious to one skilled in the art to use a buffer and adder in Parry et al.'s language learning system.

First, it is noted that the Examiner has stated that Parry et al. shows "the currently constructed sentence is verified upon each addition" and refers to Col. 12, lines 42-51 of the reference. This is stated on page 3, lines 7 and 8 of the Action. Applicants submit that this statement is not found in Col. 12, lines 42-51 of the reference as suggested by the Examiner. Further, Applicants again point out that the adder in the present application performs a different function from that mentioned in regard to the sentence building of Parry et al. In the reference, the sentence builder teaches how to produce a complete sentence step-by-step. Thus, one word is added in each step. Col. 12 of the reference, for example, indicates in the first step that the sentence is "I eat." In the next step, the sentence becomes "I eat cake." Thus, the adding relates to adding words to the sentence. This differs from the present invention which is claimed as receiving messages, storing the messages based on an FCFS principle, reconstructing the

message into a result and comparing the result with an answer. Parry et al. does not provide an adder which performs these functions. Furthermore, Applicants submit that the reference does not show the use of an FCFS principle and that there may be other ways in which to perform the addition function of Parry et al. For example, it is possible to select the added sentence needed by the sentence builder from another predefined sentence data base at each step to form the new sentence. However, in the present application, the adder is in charge of receiving the answer from the user's message. Accordingly, the FCFS principle is the only way to realize the adder in the present invention.

Furthermore, Applicants submit that it would not obvious to one of ordinary skill in the art to utilize a buffer and adder in the arrangement of Parry et al. The Examiner has provided no motivation for one skilled in the art to add such an arrangement. In particular, the Examiner has not pointed out why the use of adder having the particular functions as described could be used in Parry et al. Applicants submit that the use of the these functions would not be obvious since there is no need for such functions in regard to the sentence builder or other apparatus of Parry et al.

In view of the above, Applicants submit that claim 1 is not obvious over Parry et al. and accordingly, claim 1 is allowable.

Claim 10 is a method claim which corresponds to system claim 1. Applicants submit that claim 10 is allowable for the same reasons recited above in regard to claim 1. In particular, claim 10 also has the step of storing the message in an adder according to an FCFS principle and reconstructing all of the messages stored in the adder leading to a result based on the FCFS principle and comparing the result with the comparison sample. In addition, the method claim includes a step of dividing the answer sentence text into individual words, shuffling the words

and outputting the shuffled words to the user. Applicants submit that the shuffling of words from the answer sentence text is also not seen in Parry et al. Accordingly, Applicant submit that claim 10 is likewise allowable.

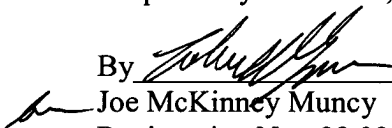
Claims 2 and 7-9 depend from claim 1 and claims 12, 13, and 16 depend from claim 10 and as such are considered to be allowable. In addition, each of these claims recite other features which make them additionally allowable. In particular, claims 7 and 12 describe in greater detail the content of the sentence patterns data list. Applicants submit that this is also not seen in the reference.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejection and allowance of all of the claims are respectfully requested.

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Respectfully submitted,

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